

THOMAS SZOTT
Wyoming State Bar No. 7-5139
Assistant United States Attorney
District of Wyoming
P.O. Box 668
Cheyenne, WY 82001
(307) 772-2124
thomas.szott@usdoj.gov

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

v.

ADAM MICHAEL HANSEN,

Defendant.

Criminal No. 16-CR-231-F

Joint Motion for Final Revocation Hearing by Video-Teleconferencing (“VTC”)

Pursuant to Federal Rule of Criminal Procedure 32.1(b)(2) and § 15002(b) of the “Coronavirus Aid, Relief, and Economic Security Act” (“CARES Act”), the parties jointly request a final revocation hearing in this case be scheduled to take place by video-teleconferencing (“VTC”).

1. In a judgment filed on July 18, 2017, this court sentenced Defendant Adam Michael Hansen to thirty-seven months imprisonment, followed by three years of supervised release. (ECF No. 32 at 2-3).

2. Hansen began supervised release on January 27, 2020. (ECF No. 36 at 1).

3. On April 10, 2020, a probation officer in the District of Wyoming filed a petition to revoke Hansen’s supervised release. (ECF No. 36). The petition alleged Hansen (1) used

methamphetamine at a residential reentry center in Portland, Oregon; and (2) absconded from supervision. (ECF No. 36 at 3). Accordingly, an arrest warrant issued from this court. (ECF No. 36 at 4).

4. On April 14, 2020, having been arrested on the petition, Hansen appeared with counsel in the District of Oregon. At his initial appearance, Hansen waived his rights to identity and preliminary hearings. *See* FED. R. CRIM. P. 32.1(a)(5)(A).

5. Given these waivers, the court in Oregon must transfer Hansen to this court for a final revocation hearing. *See id.* However, at Hansen's request, the court in Oregon continued his hearing and scheduled another appearance for April 17, 2020. Hansen agreed to remain detained in the meantime.

6. Hansen requested the continuance so defense counsel could try to arrange for Hansen to appear for his final revocation hearing by VTC from Oregon, rather than traveling (or being transported) to the District of Wyoming.

7. On March 27, 2020, the President signed the CARES Act into law. Section 15002(b) of the CARES Act temporarily expands the authority of federal district courts to use VTC (or telephone conferencing if VTC is not reasonably available) for certain types of hearings, including Rule 32.1 revocation hearings, so long as a defendant consents after consultation with counsel.

8. To trigger this expanded authority, the CARES Act required the Judicial Conference to find that emergency conditions due to the COVID-19 national emergency "will materially affect the function of either the Federal Courts generally or a particular district court of the United States." The CARES Act further required the Chief Judge of an affected district to authorize the use of VTC or telephone conferencing.

9. In a general order entered on March 30, 2020, the District of Wyoming's Chief Judge memorialized the Judicial Conference's "finding and emergency declaration covering the District of Wyoming" and authorized the use of VTC or telephone conferencing for various proceedings, including revocation hearings under Rule 32.1. GENERAL ORDER NO. 20-03, *available at* <https://www.wyd.uscourts.gov/sites/wyd/files/General%20Order%202020-03%20.pdf>.

10. Based on the ongoing COVID-19 emergency, and the procedural and legal background set forth above, the parties jointly request as follows:

- a. Given that the Oregon court previously determined Hansen qualified for court-appointed counsel and appointed an assistant federal public defender to assist him, that this court would appoint defense counsel in the District of Wyoming (preferably from the Federal Public Defender's Office) to represent Hansen in this matter;
- b. That this court schedule a final revocation hearing to take place via VTC as soon as practicable during the week of April 27, 2020; and
- c. That this court enter an order staying any transport of Hansen by the United States Marshals Service until further notice by this court.

At the final revocation hearing, if Hansen were to change his mind and decline to waive his right to appear in person, then this court could enter an order directing the Marshals Service to transport Hansen to the District of Wyoming. In the meantime, through counsel, Hansen waives any right to immediate physical transfer to the District of Wyoming and consents to remain in custody in the District of Oregon pending the final hearing by VTC. *See* FED. R. CRIM. P. 32.1(a)(6).

CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2020, the foregoing was electronically filed. The United States Attorney's Office will forward filed copies of this motion and any resulting order to defense counsel.

/s/ Thomas Szott
For the United States Attorney's Office